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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,136	10/24/2003	David M. Allen	2646-000001	1778
27572	7590	12/27/2004		
HARNES, DICKEY & PIERCE, P.L.C.				
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BLOOMFIELD HILLS, MI 48303				
EXAMINER				
NGUYEN, SON T				
ART UNIT		PAPER NUMBER		
3643				

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/693,136

Applicant(s)

ALLEN, DAVID M.

Examiner

Son T. Nguyen

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/6/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plurality of intersecting lines, a loop and a strap (as claimed in claim 9) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because they are unclear. For example, figure 2 shows reference numerals such as 22a, 22, 72, pointing at nothing. Other examples are figures 8 & 13, which appear to be unclear because the numerals are pointing at nothing. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 17-19** are rejected under 35 U.S.C. 102(b) as being anticipated by Crawley (US 5085001).

For claim 17, Crawley teaches a method of installing a protective ground mat having a non-rigid base, the method comprising: securing the mat to the ground at a plurality of locations (where stakes 27,28 are located); and tensioning (by adjusting the rings 12A or 12B) the base after it has been secured to the ground so that it conforms to a contour of the ground.

For claim 18, Crawley teaches wherein prior to securing the mat to the ground, the method includes opening a slit 14 in the base and fitting the base about an object such as a tree (see fig. 3).

For claim 19, Crawley teaches wherein the step of fitting the base about an object includes forming a hole 13 in the base, the hole intersecting the slit.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1,2,4-8,10-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Crawley.

For claim 1, Crawley teaches a protective ground mat comprising a non-rigid base 10; a plurality of hold-downs 27,28 coupled to the base; a tensioner 12A or 12B having first and second portions that may be selectively coupled to the first portion (as shown in fig. 4, the ends 23,24 overlap each other) to adjust a distance between an associated pair of hold-downs (by moving the ends 23,24, the base with be smaller or

larger, thus, adjusting the distance between stakes 27,28). However, Crawley is silent about having more than one tensioner. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have more than one tensioner in the mat of Crawley, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

For claim 2, Crawley teaches the base includes a pair of edges that cooperate to define a slit 14 and wherein the mat further includes a closure device 29 for closing the slit.

For claim 4, Crawley teaches the slit extends from an outer edge of the base to a point outwardly of a center 13 of the base (see fig. 2).

For claim 5, Crawley teaches the slit terminates inwardly at a series of perforations 16,17.

For claim 6, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the perforations of Crawley define a plurality of intersecting lines, depending on the shape of the object one wishes to surround the mat with or the design of the object and mat.

For claim 7, Crawley teaches the perforations define a plurality of circular different size shapes (see fig. 2).

For claim 8, Crawley teaches each shape is disposed inside or abuts another one of the shapes (see fig. 2).

For claim 10, Crawley teaches wherein an aperture 13 is formed in the base and the slit intersects the aperture.

For claim 11, Crawley teaches cutting indicia 16,17 on the base.

For claim 12, Crawley teaches the cutting indicia defines a plurality of shapes (see claim 7).

For claim 13, see claim 8.

For claim 14, Crawley teaches the shapes are concentric with one another (see fig. 2).

For claim 15, Crawley teaches each of the shapes is similar but differently sized (as shown in fig. 2).

7. **Claims 3 & 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Crawley in view of Hansen (US 6128852).

For claim 3, Hansen teaches a ground cover 36 having a base with a slit 40 being closed/opened by hook and loop fastener 46,44. It would have been an obvious substitution of functional equivalent to substitute the closure device 29 of Crawley with hook and loop fastener of Hansen, since both types of fastener would perform to close or open the slit.

For claim 16, see the above claims for explanation.

8. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Crawley in view of Ireland (US 1321747).

Ireland teaches a tensioner including a loop 10 and a strap 8, the loop being secured to a base 12, the strap having a first end, which is secured to the base, and a second end that is disposed through the loop. It would have been an obvious substitution of functional equivalent to substitute the tensioner device 12A or 12B of


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Crawley with a loop and strap as taught by Ireland, since both types of tensioner would perform to allow a user to adjust the tension in the base so as to accommodate expansion in size of the base.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Nguyen whose telephone number is 703-305-0765. The examiner can normally be reached on Mon-Fri from 9:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Son T. Nguyen  
Primary Examiner  
Art Unit 3643

stn